

## Memorandum 2020-1

**Operating Practices and Handbook**

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The staff has been working with the Committee's Chair, Michael Romano, to develop a set of practices that the Committee can use to guide its operations. The intention is to enable the Committee to start its work promptly, by anticipating and providing structure in advance for the work that will need to be done.

For the purposes of administration and financing, the Committee is organized as part of the California Law Revision Commission (CLRC). While the CLRC's staff will support both bodies, there is no overlap in the composition, mission, or authority of the Committee and the CLRC.<sup>1</sup>

However, CLRC has over 60 years of experience operating as a multi-member law reform body. It therefore makes sense for the Committee to look to the CLRC as a source of institutional knowledge on how to operate such a body.

CLRC has a written *Handbook of Practices and Procedures* that memorializes its practices and key operational decisions.

The Chair thought that it would be helpful to create a similar document for use by the Committee. Rather than reinvent the wheel, the staff and Chair took CLRC's *Handbook* as a starting point and made revisions as appropriate to reflect material differences between the two bodies and their work. The result was a draft *Handbook* tailored for use by the Committee. It is attached for the Committee's review.

The *Handbook* is not intended to be written in stone. The Committee may decide, at any time, to change or expand the content of the *Handbook*.

If Committee members have any suggestions, concerns, or questions at this time, they should be raised orally at the January meeting.

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1. See Gov't Code §§ 8281.5(d) (composition), 8290.5 (duties and authority).

**The Committee should decide whether to adopt the draft as its *Handbook of Practices and Procedures*, with or without any changes that may be made at the meeting.**

Respectfully submitted,

Brian Hebert  
Executive Director



# Committee on the Revision of the Penal Code

## Handbook of Practices and Procedures

Last Revised: January 2020



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# HANDBOOK OF COMMITTEE PRACTICES AND PROCEDURES

## PART 1. PRELIMINARY PROVISIONS

### **10. Content of Handbook**

(a) This Handbook memorializes some of the Committee's practices and procedures.

(b) The initial draft of this Handbook was drawn from a similar Handbook of the California Law Revision Commission. Changes were made to adapt to the different mission and governing law of the Committee.

(c) The Committee staff has discretion to make technical revisions of this Handbook as needed.

### **15. Handbook is nonregulatory**

(a) The provisions of this Handbook are not regulations. They relate primarily to internal matters and do not bind the Committee or the public.

(b) Despite their nonbinding nature, there are good reasons for the Committee to follow the practices and procedures described in this Handbook. Most of those practices and procedures are time-tested and successful.

(c) The Committee is free at any time to waive or change a provision of this Handbook (except to the extent that a provision is based on a statutory requirement).

### **20. Handbook is a public document**

This Handbook is a public document. It will be made available on the Committee's website.

### **25. Definitions**

As used in this Handbook, the following terms have the indicated meanings:

(a) "Committee" means the Committee on Revision of the Penal Code.

(b) "Committee bill" means a bill introduced to implement a Committee recommendation.

(c) "Committee counsel" means a staff attorney assigned to work exclusively in support of the Committee.

(d) "Member" means a member of the Committee.

(e) "Recommendation" means a final Committee report that recommends a specific change to statutory law.

(f) "Report" means a final Committee report that provides information and analysis without recommending any specific change to statutory law.

(g) "Revised Comment report" means a report that sets out revised Comments that supersede those in a Committee recommendation, to correct technical errors or conform to the effect of amendments to a Committee bill.

## PART 2. GENERAL PROVISIONS

### CHAPTER 1. AUTHORITY AND MISSION

#### **50. Authority and mission**

(a) The Committee's authority is prescribed in Government Code Section 8290.5. The Committee studies topics within that authority and recommends statutory reforms to the Governor and Legislature.

(b) The mission of the Committee is to study California's Penal Code and criminal justice system and make recommendations to the Governor and Legislature to revise, improve, rationalize, and clarify the substance and procedure of criminal law in California.

#### **55. Proposed legislation affecting Committee**

(a) The Executive Director should notify the Committee on becoming aware of pending legislation that directly affects the Committee.

(b) The Executive Director may respond to inquiries from the Legislature regarding the practicability of a potential new study assignment.

### CHAPTER 2. MEMBERS

#### **100. Members**

(a) The Committee has seven members. Five are appointed by the Governor. One is a member of the Assembly; another is a member of the Senate.<sup>1</sup>

(b) The members who are appointed by the Governor generally serve four-year terms, in two staggered groups.<sup>2</sup>

(c) If a member is not reappointed, that member may serve until replaced<sup>3</sup> or for 60 days after the end of the term,<sup>4</sup> whichever comes sooner.

#### **105. Member ethics**

(a) The appointed members of the Committee are state employees and are subject to the legal and ethical requirements that govern state employees.

(b) Information about those requirements can be found at the following websites:

(1) Fair Political Practices Commission: <[www.fppc.ca.gov](http://www.fppc.ca.gov)>

(2) Ethics Training Course: <<https://oag.ca.gov/ethics>>

(3) California Department of Human Resources: <[www.calhr.ca.gov](http://www.calhr.ca.gov)>

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1. Gov't Code § 8281.5.

2. *Id.*

3. *Id.*

4. Gov't Code § 1774.

**110. Member duties**

(a) The most important duty of a member is to attend the Committee's meetings. Attendance is critical to achieving a quorum, which is a prerequisite to taking action at a meeting. Full attendance also improves the Committee's deliberative process, by ensuring that a range of views are represented.

(b) Members are presumed to have read all the material to be considered at a meeting.

**115. Compensation**

When attending a Committee meeting, members are entitled to statutory per diem and the reimbursement of actual expenses, including travel expenses. members receive no other compensation for service on the Committee.<sup>5</sup>

**120. New members**

When a new member takes office, the Executive Director will brief the new member to provide a detailed introduction to the Committee's process and current work. New members will be provided with a copy of this Handbook and other introductory materials.

CHAPTER 3. CHAIRPERSON

**150. Appointment**

(a) The Governor shall appoint a member to serve as Chairperson.

(b) The Chairperson may designate a member of the committee to serve temporarily as Acting Chairperson.

(c) If the Chairperson is unavailable and has not designated an Acting Chairperson, the Committee may vote to designate an Acting Chairperson until such time as the Chairperson rescinds the designation.

(d) If the Chairperson is unavailable, the Acting Chairperson shall perform the duties of the Chairperson.

**155. Duties**

(a) The Chairperson officiates at Committee meetings.

(b) The Chairperson may take any action to explain a Committee bill or provide assistance to the author of such a bill, including providing testimony at a legislative committee hearing.

(c) The Chairperson may communicate with the media about the Committee's work.

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5. Gov't Code § 8282.

## COMMITTEE HANDBOOK

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### CHAPTER 4. STAFF

#### **200. Executive director**

(a) The Executive Director serves as the administrative head of the agency and along with the Chairperson represents the Committee to the Executive Branch and Legislature.

(b) Unless otherwise indicated, any of the acts in this Handbook that may be done by the Executive Director may also be done by a member of the staff designated by the Executive Director.

#### **205. Reporting structure**

(a) Between meetings, the Executive Director reports to the Chairperson. At a Committee meeting, the Executive Director reports to the Committee as a body.

(b) The Chief Deputy Counsel reports to the Executive Director.

(c) Committee counsel report to the Executive Director and, with respect to work that is supervised by the Chief Deputy Counsel, to the Chief Deputy Counsel.

#### **210. Personnel action affecting Committee counsel**

The appointment, promotion, or involuntary termination of Committee counsel shall first be approved by the Chairperson. Committee approval is not required.

#### **215. Incompatible activities**

Each employee shall notify the Executive Director of any outside activities that might reasonably be deemed incompatible, inconsistent, or in conflict with the employee's duties to the Committee under either Government Code Section 19990 or the Committee's Incompatible Activities Statement.

## PART 3. MEETINGS

### CHAPTER 1. CONDUCT OF MEETINGS

#### **250. General structure of meetings**

(a) Typically, each meeting will be dedicated to the consideration of a specific area of criminal law or process.

(b) The Committee will generally hold meetings over the course of two days.

(1) The first day will consist of public comment and the testimony of invited witnesses.

(2) The second day, the committee will deliberate and confer with staff.

#### **255. Public comment**

The first day of each meeting will end with a public comment period. The Chairperson may impose reasonable and uniform limits on the time that each

person speaks. Any such limits will be announced at the beginning of the public comment period.

**260. Witness testimony**

(a) Prior to each meeting at which witnesses will testify, the Chairperson will select and invite the witnesses.

(b) The witnesses will be instructed to limit their prepared testimony to the substantive topic to be addressed at the meeting.

(c) Witnesses will also be asked to provide a written overview of their intended testimony, at least two weeks before the meeting date. The written overviews shall be compiled by the staff and presented to the Committee in a staff memorandum.

(d) Witnesses will be informed of the time limit for their oral testimony and the word count limit on their written submissions.

**265. Deliberation**

(a) The Committee will deliberate in public.

(b) The deliberation process is not a forum for public comment. However, the Chairperson may invite input from staff, consultants, experts, and interested persons and groups, as part of the deliberative process.

(c) Deliberation may be divided into separate sessions to address different topics. Those topics may include:

(1) Selection of reform ideas for Committee study.

(2) Study of a reform idea and development of a recommendation.

(3) Approval of a recommendation for submission to the Governor and the Legislature.

(4) Discussion of Committee bills.

(5) Administrative matters, including the approval of Minutes of the prior meeting.

CHAPTER 2. SCHEDULING

**300. Meeting dates, locations, and subject matter**

(a) Regular meetings are scheduled approximately once every two months, or more frequently as required. Most regular meetings are two-day meetings.

(b) The Committee will generally meet in State Capitol hearing rooms. Meetings in other appropriate venues throughout the state may be convened from time to time.

(c) Near the end of each year, the staff shall present a memorandum that proposes a meeting schedule for the next year. The Committee shall decide whether to approve the proposed schedule, with or without changes. The Committee shall also decide the subject matter of each meeting.

**305. Special and rescheduled meetings**

The Chairperson is authorized to call a special meeting and to change the date, times, and place of a previously scheduled meeting when necessary to improve attendance at the meeting or for other good reason. Notice of a special or rescheduled meeting shall be given immediately.

**310. Meeting starting time**

Committee meetings are not commenced if absent members are known to be in the area where the meeting is being held and are known to be planning to attend the meeting. However, meetings should not be delayed more than 10 minutes from the originally scheduled starting time to await the arrival of an absent member who is known to be planning to attend the meeting.

CHAPTER 3. PUBLIC PARTICIPATION

**350. Open meetings**

Meetings of the Committee are open to the public and are subject to the provisions of the Bagley-Keene Open Meeting Act.<sup>6</sup> Any person may attend as an observer and may address the Committee during the designated time for public comment or when invited by the Chairperson.

**355. Member identification**

Members should be identified with a name plate or other form of identification so that members of the public are able to identify members at meetings.

**360. Teleconference meetings**

(a) The Committee believes that in-person attendance is important. Teleconference is disruptive and changes the character of the discussion and deliberations.

(b) In general, the Committee discourages the use of teleconference at meetings and will not grant a request to appear by teleconference. In extraordinary situations, the Chairperson may authorize the use of teleconferencing.

(c) Any use of teleconferencing must satisfy the requirements of the Bagley-Keene Open Meeting Act.

**365. Written public comments generally**

A written communication from the public that is relevant to matters currently under consideration may be attached as an exhibit to a staff memorandum, in order to distribute it to the members of the Committee. The memorandum may discuss the points made in the written communication, to the extent relevant. However, there may be situations in which a written communication is provided without

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6. Gov't Code §§ 11120-11132.

analysis (e.g., the communication is received shortly before a meeting or has a plain meaning that does not require discussion).

**370. Particular types of written public comments**

(a) The Committee does not ordinarily receive communications on a confidential basis. The first page of each staff memorandum should include a note stating that any comments received will be a part of the public record and may be considered at a public meeting.

(b) Although the Committee encourages persons to identify themselves and their affiliations, a communication to the Committee may be anonymous. The Committee can take the anonymity of the author into account in evaluating an anonymous communication. The identity of a source is sometimes helpful in assessing the merits of an idea or how much weight it should be given.

(c) A communication that is off-topic, defamatory, obscene, invasive of personal privacy or confidentiality, or that is similarly inappropriate for republication will not be reproduced as an exhibit to a memorandum unless it is redacted to eliminate the inappropriate material. Any redaction shall be clearly indicated.

(d) A communication that is not reproduced as an exhibit may be summarized in a staff memorandum.

**375. Communication to individual Committee member**

(a) If the staff receives a written communication addressed to the Chairperson or to an individual Committee member regarding any issue related to the Committee, the staff will treat the communication in the same manner as a communication to the Committee as a whole. If the communication relates to a topic under study, it will be treated in the same way as any other public comment on a study. If the communication relates to other business of the Committee, the staff will normally respond to the communication.

(b) If the Chairperson or an individual Committee member receives a written or oral communication from an interested person regarding a Committee study, it is recommended that the Chairperson or individual Committee member inform the staff of the substance of the communication and, if possible, provide a copy of the communication to the staff.

(c) Email to members should be sent to <Committee@clrc.ca.gov>, where it will be treated like any other communication to the Committee.

CHAPTER 4. MEETING MATERIALS

**400. Agenda**

(a) The staff, in consultation with the Chairperson, will prepare and release a tentative agenda several weeks before a meeting date, followed by a final agenda that is released no later than 10 days before the meeting date. If significant

changes are made to a tentative agenda, such as a change in the meeting's date or location, the staff may prepare and release a revised tentative agenda.

(b) The agenda will identify the location, dates, times, and subject matter of the meeting. The time for public comment will be specified, along with a fixed schedule for testimony by invited witnesses. The witnesses shall be identified by name and affiliation.

(c) At the meeting, the Chairperson may change the order of items on the agenda to accommodate persons in attendance or for other good reason.

**405. Staff memoranda**

(a) The staff will prepare memoranda for consideration at each meeting as needed. Those memoranda will be listed on the agenda, with a title sufficient to convey the matters that will be addressed.

(b) When beneficial, the staff may prepare supplements to the memoranda listed on an agenda.

**410. Staff-produced material**

(a) All staff-produced meeting materials will be posted to the Committee's website and distributed to Committee members and to any members of the public who have subscribed to receive them.

(b) The staff will bring one complete set of the staff-produced meeting materials to each meeting. This set of materials will be made available for public inspection at the meeting.

(c) The staff will attempt to distribute meeting materials no later than 5 working days before a meeting. If that is not possible, due to late arising information, the staff will either deliver the material as soon as possible or distribute it at the meeting.

**415. Material received at meeting**

If the Committee receives written public comment at a meeting, that material will be attached to a memorandum, which will be posted and distributed after the meeting.

CHAPTER 5. DECISIONMAKING

**450. Quorum**

(a) Three members of the Committee constitute a quorum.

(b) If a quorum is established at any time during a meeting of the Committee, the Committee may thereafter act for the duration of the meeting notwithstanding the absence of any member who is part of the quorum. Any action may be taken by a majority of those present after a quorum is established, except as provided in subdivision (c) of Section 455.

(c) If a quorum is not established at a particular meeting, members present act as a subcommittee and no final action may be taken at the meeting. Decisions of a Committee subcommittee may be ratified by the Committee when a quorum is attained, whether at the same meeting or a later meeting.

**455. Approval of actions**

(a) Committee actions are generally made by a motion for approval by the Committee.

(b) Approval of a motion requires an affirmative vote of a majority of the members present when the vote is taken.

(c) A final report or recommendation must be approved by the affirmative votes of at least three members.

(d) The Chairperson, or other member acting as Chairperson, may make motions, second motions, and vote on motions in the same manner as members generally, without the need to vacate the chair temporarily.

(e) Actions may also be taken by unanimous assent. If the staff asks whether a certain action should be taken, and no member objects after having been given an opportunity to do so, the action is deemed approved by the unanimous assent of those present.

(f) The Committee may give the staff informal instructions or guidance without taking formal action.

**460. Termination of deliberations**

The Chairperson should terminate prolonged deliberations on any matter either by bringing it to a vote when appropriate or by referring the matter to the staff for further research or redrafting.

CHAPTER 6. RECORD

**500. Transcripts**

As a general rule, the staff will not make a transcript of a Committee meeting.

**505. Meeting recordings**

(a) The staff shall make an audio record of each meeting for the purpose of preparing Minutes and redrafting statutes.

(b) The recordings are public records.

(c) Due to storage limitations, the staff does not routinely post recording files to the Committee's website. However, on request, the staff will post a specific recording. After sufficient time for the requestor to download the file, the recording will be removed.

**510. Minutes**

(a) The staff will prepare draft Minutes for each meeting, to record actions taken by the Committee.

(b) The Minutes shall record each member's vote on each action taken at a meeting. If a member abstained from voting or was not present when a vote was taken, the Minutes shall record that fact.

(c) Ordinarily, the Minutes do not describe oral statements made at a meeting.<sup>7</sup>

(d) At each meeting, the Committee shall decide whether to approve the draft Minutes of the prior meeting, with or without changes. After the approval of draft Minutes, the staff will prepare a final draft of the Minutes, including any changes made by the Committee, for posting to the Committee's website.

**PART 4. LEGISLATIVE PROCESS**

**550. Identifying potential authors**

(a) After a recommendation for legislative action has been approved, the Executive Director, in consultation with the Chairperson, will identify legislators or legislative committees that might be interested in introducing a bill to implement the recommendation. In identifying potential authors, the Executive Director may consult with legislative staff.

(b) The staff will contact potential authors to provide a copy of the recommendation, explain its background and purpose, and answer any questions about the recommendation or the Committee's process.

(c) The Chairperson may contact prospective authors to discuss authoring a Committee bill.

**555. Introduction of Committee bill**

Although a Committee bill will generally be introduced in the form in which it was recommended by the Committee, any of the following changes to the Committee's recommended language may be made before introduction:

(a) Technical changes proposed by the Office of the Legislative Counsel. These may be made at the staff's discretion.

(b) Unrelated content may be included in the bill, at the discretion of the author. This is especially common when a Committee recommendation is part of an omnibus bill.

(c) The staff may make a technical correction or other minor change that appears to be proper. Such a change shall be approved in the same way as an amendment of a Committee bill.

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7. Exceptions include matters that involve oral reports (e.g., the Executive Director's Report).

**560. Amendment of Committee bill**

(a) The author of a Committee bill has unlimited authority to decide whether to amend a Committee bill. However, the Committee will request that the author consult with the Executive Director before doing so.

(b) If a proposed amendment is nonsubstantive, the Executive Director may approve the amendment on the Committee's behalf without first consulting either the Committee or its Chairperson.

(c) If a proposed amendment is substantive, the Executive Director shall consult with the Chairperson, who may discuss the proposed amendment with the author or direct the staff to do so.

(d) After a substantive amendment to a Committee bill has been made, the staff will prepare a memorandum that describes the amendment, for presentation at the next Committee meeting. The Committee may choose to amend its recommendation to conform to the amendment, remain neutral, or take another position.

**565. Staff assistance to author**

(a) The staff will offer to provide technical assistance to the author of a Committee bill, by answering questions and drafting explanatory background materials. The staff will not advocate for approval of the Committee bill.

(b) Shortly before a legislative policy committee hears a Committee bill, the staff will send an explanatory letter and a copy of the recommendation (including any revised Comment report) to each member of the committee. The letter will not advocate for approval of the bill.

(c) A member of the Committee or a member of the Committee staff may appear as a witness at any policy committee hearing of a Committee bill. The staff's testimony will be limited to explaining the Committee's recommendation and answering questions.

(d) Ordinarily, Committee Members and staff will not send letters to or appear before an appropriations committee that is hearing a Committee bill. However, the staff may do so if requested by the author or the committee, or if the staff determines that the bill involves an important fiscal issue.

(e) When a Committee bill has passed the Legislature and is being sent to the Governor for approval, the staff will send an explanatory letter and a copy of the recommendation (including any revised Comment report) to the Governor.

**570. Staff contacts with Legislature or Governor's Office**

(a) Except as otherwise authorized by this Handbook, the staff should not contact a member of the Legislature, the Governor, or their staff about a pending Committee bill.

(b) Such contact is permitted if a person in the Legislature or the Governor's Office has raised an issue about a Committee bill that seems to be based on a misunderstanding of the Committee's recommendation or the reasons for it. If it

appears desirable, the Executive Director may contact that person to answer questions about the bill and otherwise explain it. Care must be taken not to advocate or appear to be advocating for enactment of the Committee bill.

(c) Nothing in this section limits the authority of the Chairperson to communicate with the Governor or Legislature.

## PART 5. RECOMMENDATIONS, REPORTS, AND OTHER WRITTEN MATERIALS

### CHAPTER 1. CONTENT

#### **600. Recommendation**

(a) A recommendation typically includes all of the following:

(1) A narrative description of the Committee's findings and recommendation.

(2) Proposed legislation.

(3) A Comment for each provision of the proposed legislation.

(b) Committee Comments briefly state the derivation of a provision of the proposed law. A Comment may also provide a brief explanation of the purpose or effect of the proposed revision or a reference to related law. Comments are an important source of legislative history. Overly-long Comments and Comments that establish rules not found in the statute itself are disfavored.

#### **605. Annual Report**

(a) Each year, the Committee shall prepare an Annual Report for submission to the Governor and Legislature.

(b) The Annual Report summarizes the Committee's recent and current work and provides background information about the Committee generally.

(c) The Annual Report may also include appendices that set out revisions to Committee Comments that were made to conform to amendments to Committee bills. Other appendices providing historical information or Committee member biographical information may also be included.

(d) A draft of the Annual Report will be prepared by staff and presented at a meeting for Committee approval, with or without changes.

#### **610. Approval date**

A recommendation or report is dated as of the month in which the Committee approved it. The names of the members of the Committee at that time shall be listed in the letter of transmittal.

#### **625. Prefatory note**

Each Committee recommendation should include a prefatory note stating:

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their

primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions.

**630. Dissents**

Dissenting votes of Committee members on all or part of a recommendation or report are not reported in the recommendation or report. However, any vote against approving a recommendation or report will be recorded in the Minutes for the meeting at which the recommendation or report was approved.

**635. Special reports**

(a) At the discretion of the Executive Director, the staff may prepare special reports to provide the public with useful information, in a convenient form, about laws that were enacted on the Committee's recommendation.

(b) Such reports will be posted to the Committee's website.

CHAPTER 2. DISTRIBUTION

**650. Website**

(a) The Committee maintains a website on the Internet at <[www.clrc.ca.gov](http://www.clrc.ca.gov)>.

(b) Background information and information on current activities, such as agendas, bills, and the like, are kept current on the website.

(c) Committee meeting agendas, staff memoranda, minutes, printed reports, and other publicly-distributed materials are available for downloading from the website.

(d) Committee members may, as an individual choice, provide their direct email or business website addresses for linking from the Committee website. The Committee has decided not to provide members' biographical information on the website.

**655. Electronic notice lists**

(a) The staff will maintain electronic notice lists for distribution of Committee materials. The notice list should include interested groups from a wide range of perspectives on California criminal law.

(b) The public may subscribe or unsubscribe to the notice list, using an online form.

(c) Whenever new materials are uploaded to the Committee's website, electronic notice will be emailed to the notice list. The email will include a link to download the new material. Such notices are also sent to all Committee members.

(d) The only information that must be provided in order to subscribe to a notice list is an email address. That information will not be used for any other purpose.

**660. Hard copy distribution**

(a) While nearly all of the Committee’s meeting materials and reports are distributed by website posting and emailed notice, the staff may distribute hard copies in appropriate circumstances.

(b) In general, members of the Legislature are sent a copy of a final report or recommendation only on request.

**665. Mailing list privacy**

If a person requests disclosure of a mailing list maintained by the Committee, the Committee must balance the policies of the Public Records Act requiring disclosure against the policies of the Information Practices Act requiring protection of personal information.<sup>8</sup> The Committee (or the staff, as appropriate in the circumstances) should make this determination on a case-by-case basis, evaluating the specific circumstances of each particular request.

CHAPTER 3. REVISION OF RECOMMENDATIONS AND REPORTS

**700. Revisions to conform recommendation to bill amendments**

(a) When a Committee bill is amended, the Committee may wish to revise its recommendation to conform to the amendment. This may reflect Committee approval of the amendment or it may be done to avoid confusion in the historical record.

(b) Such revisions may be made in two ways:

(1) If the Committee only wishes to revise its Comments, it may do so in a Revised Comment report, which will be printed as an appendix to the next Annual Report.

(2) If the Committee wishes to revise more than just the Comments, it may approve a “Revised Recommendation” that supersedes the initial recommendation. A Revised Recommendation shall be distributed in the same way as the original recommendation.

**705. Revision to correct error or conform to Committee policy**

When preparing a recommendation for release, the staff may make any revisions necessary to conform to the Committee’s policy decisions or to correct technical defects. Members of the Committee may submit suggested editorial revisions of that type to the staff for consideration.

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8. Civ. Code §§ 1798-1798.78.

## PART 6. COOPERATION WITH OTHER ENTITIES

### **800. California Law Revision Commission**

(a) Before proposing any extraordinary expenditure of funds or other resources, the Chairperson will consult with the Executive Director about the effect of the expenditure on the Law Revision Commission. The Executive Director has sole discretion to require that the expenditure be approved by the Law Revision Commission before it is made.<sup>9</sup> The Law Revision Commission shall not unreasonably withhold its approval.

(b) For the purpose of this section, “extraordinary expenditure of funds or resources” means an expenditure that exceeds the allocation to the Committee provided in the State Budget.

### **805. Legislative committee**

By statute, the Committee is required to confer and cooperate with any legislative committee on revision of the law.<sup>10</sup> In practice, this typically means that the staff will provide what assistance it can in response to legislative inquiries. The staff will make clear that any assistance it provides is informal and does not represent any position of the Committee as an entity.

### **810. State Bar, California Lawyers Association, and other associations**

(a) The State Bar is required to “assist the Committee in any manner the Committee may request within the scope of its powers or duties.”<sup>11</sup> The staff presumes that this obligation now extends to the California Lawyers Association (“CLA”).

(b) The Committee may cooperate with the State Bar or any other “learned, professional, or scientific association, institution or foundation” in any manner suitable for the fulfillment of the Committee’s duties.

(c) In practice, the Committee solicits input on its studies from relevant sections of the CLA and other relevant organizations. Those groups are requested to provide written comment on Committee materials and to attend Committee meetings.

### **815. Legal publishers**

Near the end of each year’s legislative session, the Committee provides legal publishers electronic copies of all Committee recommendations and final

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9. The Executive Director is personally liable for any expenditure in excess of the amount approved in the State Budget. Gov’t Code § 13324 (“Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.”).

10. Gov’t Code § 8295.

11. Gov’t Code § 8287.

Comments for Committee bills enacted that year. These are used by the publishers to prepare annotations for affected code sections.

**820. Tribal consultation policy**

Consistent with the Governor's Executive Order B-10-11, the Committee shall take all practicable steps to encourage early and frequent communication and consultation with California Native American Tribes, including all of the following:

(a) Before the Committee begins a new study, it shall send notice to Tribes explaining the scope and nature of the study, inviting consultation regarding the study, and offering to add Tribes to the distribution list for materials prepared as part of the study. This notice shall be sent by the Committee's Chair or Executive Director.

(b) If an official of a Tribe wishes to address the Committee at one of its public meetings, the Committee shall set aside time for that purpose.

(c) The Executive Director shall be available for consultation with representatives of Tribes on their request.

**825. Empirical data collection**

(a) To the extent practicable, Committee recommendations will be informed by empirical analysis of relevant data.

(b) Consistent with Government Code Section 8286, the Committee will request records from other state agencies that are relevant to the Committee's work. Records may be requested from the California Department of Corrections and Rehabilitation, the Department of Justice, and other agencies as appropriate. Records may also be requested from the courts and from local governments.

(c) The Committee will keep strictly confidential any information considered private, confidential, or otherwise protected by statute, regulation or rule. The Committee is bound by the same privacy rules as other state agencies, and will strictly comply with those rules. Any data discussed in public documents will be anonymized.

(d) The Committee will take all necessary steps to protect the records that it obtains against unauthorized disclosure.

**PART 7. GENERAL ADMINISTRATION**

**CHAPTER 1. SIGNATURE AUTHORITY**

**900. Contracts and leases**

(a) The Executive Director is authorized to sign on behalf of the Committee all leases and contracts previously approved by the Committee.

(b) The Executive Director is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and the like.

**905. Personnel and financial documents**

(a) The Chairperson, Executive Director, and Chief Deputy Counsel are authorized to sign all personnel and financial documents.

(b) The Executive Director shall determine the particular types of documents that the Chief Deputy Counsel and other Committee employees can sign.

(c) The Chairperson and the Executive Director are authorized to sign any documents that must be executed to allow a member or Committee employee to sign personnel or financial documents.

CHAPTER 2. TRAVEL

**950. Travel claims**

(a) The staff is responsible for overseeing the travel claim process.

(b) To make a claim, a member must first complete a staff-provided worksheet and submit it to the staff. All required information must be provided and specified receipts must be attached. If required information or receipts are missing, reimbursement may be delayed or limited.

(c) From the worksheet information, the staff prepares the formal travel claim and sends it to the member for signature. The claim is then returned to the staff for final approval and submission to the State Controller for payment.

(d) Current information concerning travel expense regulations and claims is sent to members periodically or on request. Questions about travel claims or the procedure should be directed to the responsible staff member.

**955. Out-of-state travel**

The Chairperson is authorized to approve requests for authorization by the Department of Finance and the Governor of unbudgeted out-of-state travel by the staff. Requests for budgeted out-of-state travel are presented for approval by the Department of Finance and Governor by submission of the necessary document by the Executive Director.